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A COLLECTION OF THE ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE YEAR 1887

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TITLES OF ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE

YEAR 1887.

1. An Act to provide for a survey of the Town of Calcutta.
2. to amend the Bengal Vaccination Act, 1880.
3. to amend the Calcutta Port Improvement Act, 1870.
4. to appoint Commissioners for the Port of Chittagong.
5. for the regulation of the Rural Police in the Chota Nagpur Division.

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IN THE

YEAR 1887.

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DREDGES: Commissioners may construct, for cleansing, &c., bed of river	,,	16 (c)
DUES: rules regarding mode of payment of, levied under Act, in respect of wharves, &c., to be paid to Commissioners or their agents	,,	17 (d)
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Commissioners may frame scale of, for the landing and shipment of goods, &c.	,,	33 (a)
Commissioners to have lien on goods, and may seize and detain them until payment of, ...	,,	34 (1)
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goods may be sold by public auction if, are not paid ...	,,	38
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	Act.	Section.
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may be landed and shipped by others than servants of Commissioners	„	21 *prov.*(b)
not to be landed or shipped from or in sea-going vessels save at wharves, &c.	„	23
not to be landed or shipped from or in inland vessels save at wharves, &c.	„	24
GOODS: masters, &c., of vessels not liable for loss or damage to, when once landed	„	27 *prov.*
dues, &c., for stowage of, to be paid to Commissioners or their agents	„	29

	Act.	Section.
GOODS: Commissioners may frame scale of tolls, &c., for the landing, shipment, storing and removal of, ...	IV	33 (a)
may be seized and detained until payment of tolls, &c....	,,	34 (1)
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may be removed without regard to lien	,,	36
may be removed to warehouses if left on wharf or shed for no fault of Commissioners...	,,	37 (1)
numbers, &c., of, to be specified in notification ...	,,	,, (2)
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GUARDIANS: bound to comply with requisition for vaccination of unprotected children	II	3
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HARBOUR-MASTER: Commissioners not answerable for any act or default of, ...	IV	52
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	Act.	Section.
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(simple) of fourteen days may be awarded if fine does not exceed Rs. 50	„	„ (*c*)
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anchoring within fifty yards of low-water mark without consent may be removed	„	„ (2)
Commissioners may frame scale of tolls, &c., for landing and shipment of goods from and in, ...	„	33 (*a*)
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rules for regulating, declaring and defining, ...	„	17 (*a*)
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may be provided and maintained for the landing, shipment, and storing of goods	„	21
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Commissioners may order removal of vessels from, ...	„	25
places on, may be set apart for use of Customs Officers...	„	28
erection of, except by Commissioners, prohibited ...	„	30 (1)
Commissioners may permit erection of private, subject to conditions	„	31
erected without consent may be removed, &c. ...	„	32
Commissioners may frame scale of tolls, &c., for use of,	„	33 (1)
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masters, &c., of vessels liable for damage caused to, through their negligence	„	42 (1)
JOINT-STOCK COMPANY: Commissioners having share in, not disqualified	„	8 (*g*)
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	Act.	Section.
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Commissioners may occupy, remove or alter, ...	,,	20
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on failure to discharge, for freight, &c., goods may be sold by public auction	,,	38
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may appoint Vice-Chairman and may cancel such appointment	,,	8
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may further extend Act to any other district in Chota Nagpur	V	1 (3)
may appoint officer to perform functions of Deputy Commissioner	,,	35
LIST(S): publication of, showing amount payable by persons liable to assessment	,,	8
distress not deemed unlawful for irregularities in, ...	,,	21
of zemindars, &c., liable for maintenance of road patrols.	,,	24
zemindars, &c., to be furnished with copy of entry in,	,,	25
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LOANS: Commissioners being interested in, not disqualified ...	IV	8 (4)
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LOCAL EXTENT. See *Extent*.		
LOCAL GOVERNMENT: may order survey of lands, and may appoint Superintendent, &c.	I	3
may appoint authority to whom appeals should lie from orders passed in case of disputed boundaries ...	I	11
may appoint officer to decide objections connected with survey	,,	20 (3)
may signify approval of survey by notification in *Calcutta Gazette*	,,	21
power of, to frame rules under Act	,,	23

	Act.	Section.
LOCAL GOVERNMENT: may extend Act to whole or any part of Suburbs of Calcutta	I	27
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may accept resignation of Commissioners	,,	7 (2)
to fill casual vacancies if Commissioners appointed by it	,,	9
may appoint Chairman and Vice-Chairman, and may cancel such appointments	,,	10
Commissioners may acquire, &c., moveable and immoveable property with previous sanction of, ...	,,	12
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Commissioners may frame, &c., rules relating to the Port with previous sanction of, ...	,,	17
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may direct other bathing or landing places to be provided for use of public	,,	20 *prov.*
Commissioners may declare that wharves, &c., are ready for landing, &c., of goods from and in sea-going vessels with previous sanction of, ...	,,	22
Commissioners may declare that wharves, &c., are ready for landing, &c., of goods from or in inland vessels with previous sanction of, ...	,,	24
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places on wharves, &c., set apart for use of Customs Officers to be approved by, ...	,,	28
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Commissioners to provide such sums for establishment and maintenance of River Police as may be required by, ...	,,	43
acts and proceedings of Commissioners subject to approval of, ...	,,	44
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may order survey and examination of works ...	,,	46
may carry out neglected works	,,	47
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may be vested with powers, &c., of Commissioners ...	,,	,, (2)
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	Act.	Section.
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may direct mode of audit and examination of accounts	,,	69
may advance money to Commissioners for general purposes of Act	,,	70 (1)
expenditure not to be charged to capital except with express sanction of, ...	,,	,, (2)*prov.*
may direct and appoint manner in which money should be raised by Commissioners	,,	71
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"LOW-WATER MARK": defined	,,	2
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MACHINES: Commissioners may construct, for cleansing, &c., bed of river	,,	16 (*c*)
MAGISTRATE OF CHITTAGONG: may issue summons to masters, &c., of vessels requiring their attendance to answer touching damage caused to wharves, &c. ...	,,	42
may issue warrant of distress for recovery of damages	,,	,, (2)
case not cognizable by, if vessels causing damage to wharves, &c., are under orders of duly authorized officers	,,	,, *prov.*
MALE ADULT MEMBER OF FAMILY: on failure of service, notice may be delivered to, ...	I	34 (*a*)
MAPS: connected with survey to be deposited in Municipal office of Calcutta Corporation	,,	20
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"MASTER": defined	,,	2
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MASTER ATTENDANT: Commissioners not answerable for any act or default of, ...	,,	52
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MASTER ATTENDANT'S DEPARTMENT: case not cognizable by Magistrate if vessels causing damage to wharves, &c., are under orders of officer belonging to, ...	,,	42(2)*prov.*
MASTERS OF VESSELS: goods may be landed, &c., by others than servants of Commissioners by special agreement with, ...	,,	21*prov.*(*b*)
Commissioners may order, to remove vessels from wharves, &c.	,,	25
to be furnished with receipts for goods landed by Commissioners	,,	27
MASTERS OF VESSELS: not liable for loss or damage to goods when once landed	,,	27 *prov.*
to give notice in writing when goods are to remain subject to lien for freight, &c.	,,	35
vessels may be distrained and sold if, refuse or neglect to pay tolls, &c.	,,	40 (1)
surplus of sale proceeds may be paid to, on demand ...	,,	,, (2)
responsible for damage or mischief caused to wharves, &c., through their negligence	,,	42
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	Act.	Section.
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to have access to house, &c., for purpose of ascertaining whether inmates are vaccinated ...	,,	6
MEETINGS: Commissioners absenting from, without sufficient cause, disqualified	IV	8 (c)
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Chairman and Vice-Chairman to attend, unless prevented by sickness or other reasonable cause ...	,,	56
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conduct of business at, ...	,,	59
adjournment of, ...	,,	,, (b)
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MOHESHKALI CHANNEL: Commissioners to provide for excavation and maintenance of, ...	,,	16 (A)
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Commissioners liable for misapplication of, entrusted to them	,,	50
to be placed in Chittagong treasury	,,	67
Local Government may advance, to Commissioners' ...	,,	70 (1)
Commissioners may raise, for purposes of Act, &c. ...	,,	70 (2)
holders may sue in respect of, secured by debentures ...	,,	72 (3)
Commissioners or their servants interested in loans of, not liable to penalty	,,	73 *prov.* (c)
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Commissioners may permit erection of private, subject to conditions	,,	31
erected without consent may be removed, &c. ...	,,	32
Commissioners may frame scale of tolls, &c., for use of,	,,	33 (1)
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MOVEABLE PROPERTY: powers of Commissioners with respect to,	,,	12
Circle Tehsildar may apply for attachment and sale of, if assessment not paid	V	15
Circle Tehsildar, &c., may levy by distraint and sale portion of, for recovery of arrears	,,	16
inventory of, ...	,,	17
may be sold by public outcry if amount not paid within prescribed time	,,	18
MUNICIPAL OFFICE. See *Corporation of Calcutta.*		
NATIVES OF INDIA: residing in Calcutta or Howrah; when vacancies have been filled not less than two Commissioners to be, ...	III	4 *prov.*
NAVIGABLE CHANNEL: Commissioners to provide for excavation and maintenance of, ...	IV	16 (A)
NEWSPAPER(S): Commissioners having share or interest in, in which advertisements concerning their affairs are inserted, not disqualified	,,	8 (A)
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notice to be given by publication in, before goods are sold by public auction	,,	38 (2)

	Act.	Section.
NEWSPAPER (s): Commissioners or their servants having share or interest in, not liable to penalty	IV	73*prov.*(b)
NOTICE(s): to be given to occupier before entry is made on lands or premises	I	4 *prov.*
mode of serving, ...	,,	24
survey not to be vitiated for defect in service of, ...	,,	,, *prov.*
penalty for failing to comply with requisition contained in proceedings not to be affected on failure to serve, on owners	,,	25
to be served on parents, &c., requiring them to vaccinate unprotected children	,,	26
penalty for failing to remove private wharves, &c., after service of, ...	II	3
to be given to consignee, &c., of removal of goods into warehouses	IV	30 (2)
of ten days to be given before goods are sold by public auction	,,	37 (2)
mode of serving, ...	,,	38 (2)
to be given of the sale of perishable goods ...	,,	,, (3)
Commissioners to furnish, when amount is due in respect of tolls, &c.	,,	,, *prov.*
Local Government to give, to Commissioners requiring them to accomplish purposes of Act	,,	41
Commissioners to furnish, in event of infringement of rules	,,	48
Circle Tehsildar to be furnished with, of alteration of assessment	V	75
to be given by beat of drum of time and place of sale of moveable property	,,	10 (2)
semindars, &c., failing to pay salaries of road patrols to be served with, ...	,,	17
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may be served on parties concerned in disputed boundaries requiring their attendance	,,	8
may be served on owners, &c., requiring them to maintain temporary boundary marks until survey completed	,,	19
Commissioners may order by, the removal of vessels from wharves, &c.	IV	25
to be furnished when goods are to remain subject to lien for freight, &c.	,,	35
to be given to Commissioners requiring them to repair and complete works entrusted to them	,,	47
suits against Commissioners, &c., not to be instituted unless, is delivered or left at their office	,,	51
"NOTIFICATION:" defined	,,	2
See *Calcutta Gazette*.		
OCCUPIERS OF HOUSES: to allow access to Superintendent of Vaccination, &c., for purpose of ascertaining whether inmates are vaccinated	II	6
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OFFENCES: village policeman to report, committed in his village	V	23 (1)
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	Act.	Section.
OFFENCES: saving of liability, &c., of zemindar or landholder to report	V	37
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OFFICE: Commissioners to have, for transaction of business ...	IV	54
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OFFICERS EMPLOYED IN SURVEY: may enter upon land or premises without being liable to legal proceedings ...	I	4
OFFICERS APPOINTED BY SUPERINTENDENT: owners of land, &c., to furnish information regarding boundaries to,	,,	5
may proceed with survey if persons fail to appear ...	,,	6
OFFICERS APPOINTED BY COMMISSIONERS: to decide whether goods are of so perishable a nature as to render immediate sale	IV	38(3)*prov.*
not to grant port clearance until tolls, &c., are paid ...	,,	41
when suits may be instituted against, ...	,,	51 (1)
salaries, fees and allowances of, not to exceed those sanctioned in Schedule	,,	62 (4)
bye-laws for regulating the appointment, payment, leave, suspension and removal of, ...	,,	64
OFFICERS APPOINTED BY DEPUTY COMMISSIONER: when suits may be instituted against, ...	V	34
OFFICERS APPOINTED BY LOCAL GOVERNMENT: to decide objections regarding survey	I	20 (3)
OFFICER IN CHARGE OF POLICE STATION: village policeman to give immediate information to, of offences committed in his village	V	22 (1)
to be informed of movements of bad characters ...	,,	,, (3)
arrival of suspicious characters in neighbourhood to be reported to, ...	,,	,, (4)
road patrols to report to, the movements of bad or suspicious characters	,,	30 (3)
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ORDER IN WRITING: Assistant Superintendent to pass, defining clearly subject of disputes	I	10
Commissioners may permit erection of private wharves, &c., by, ...	IV	31
ORDINARY MEETINGS: what business may be transacted at, ...	,,	59 (*c*)
OWNER": defined ... ,, ...	I	2
See *Calcutta Collectorate*; *Corporation of Calcutta*.	IV	2
OWNER(S) OF GOODS: goods may be landed, &c., by others than servants of Commissioners by special agreement with, ...	IV	21*prov.*(*b*)
goods retained in warehouses to be at risk and expense of, until lien is discharged	,,	35 (2)
goods removed to warehouses to be at risk and expense of, ...	,,	37 (1)
liable for cost of warehousing goods	,,	,, (2)
mode of serving notices on, ...	,,	38 (3)
to be informed of sale of perishable goods	,,	,, (3)*prov.*
surplus of sale proceeds may be paid to, or his agents, if application made within one year	,,	39 (2)

	Act.	Section.
OWNER(s) OF HOUSES: liable to be assessed for purposes of Act	V	7
OWNER(s) OF LAND OR PREMISES: bound to attend as required by notice	I	5
to be bound by results of survey on failure to appear ...	,,	6
to maintain, &c., temporary boundary marks until survey completed	,,	19
OWNER(s) OF VESSELS: Commissioners may order, to remove vessels from wharves, &c.	IV	25
not liable for loss or damage to goods when once landed	,,	27 *prov.*
to give notice in writing when goods are to remain subject to lien for freight, &c.	,,	35
responsible for damage or mischief caused to wharves, &c., through their negligence	,,	42
PACKAGES: exceeding prescribed weight liable to special charge	,,	21 *prov* (*a*)
PANCHAYET: appointment of, in place of Circle Tehsildar ...	V	3 *prov.*
PARENTS: bound to comply with requisition for vaccination of unprotected children	II	3
to cause children to be inspected after vaccination ...	,,	4
PENALTY: for failing to comply with requisition contained in notice	I	25
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H. P. & C. E. G.—Reg. No. 964J—2,000—26-11-88.

BENGAL SECRETARIAT LIBRARY

ACT No. I OF 1887.

(Received the assent of the Lieutenant-Governor on the 15th January 1887, and of the Governor-General on the 31st idem).

An Act to provide for a Survey of the Town of Calcutta.

Preamble.

WHEREAS it is expedient to provide for the survey and demarcation of lands in the Town of Calcutta, it is hereby enacted as follows:—

Commencement.

1. This Act shall be called "The Calcutta Survey Act, 1887," and shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Local extent.

It extends to the Town of Calcutta within the local limits of the Ordinary Original Civil Jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal.

Interpretation clauses.

2. In this Act, unless there be something repugnant in the subject or context —

"Survey"

"Survey" includes identification of boundaries and all other operations antecedent to, or connected with, survey.

"Superintendent."

"Superintendent" means the Superintendent of Survey under this Act.

"Land."

"Land" includes anything attached to the earth or permanently fastened to anything attached to the earth.

"Premises."

"Premises" means any land described as such in the Registers of the Corporation of the Town of Calcutta or as a holding in the Registers of the Calcutta Collectorate.

Price one anna.

"Owner."

"Owner" includes—

(*a*) The person having permanent interest in any land or premises;

(*b*) An agent of, or manager on behalf of, such person;

(*c*) A trustee of such person;

(*d*) A body corporate in which land is vested by operation of Statute.

Local Government may order survey and appoint Superintendent.

3. The Local Government may, whenever it thinks fit, order, by a notification in the *Calcutta Gazette*, that a survey shall be made of the lands situated in the Town of Calcutta, and for such purpose may appoint a Superintendent of Survey and one or more Assistant Superintendents of Survey. The Assistant Superintendents of Survey shall exercise such powers as may be delegated to them by the Superintendent.

Superintendent may enter upon land.

4. The Superintendent of Survey shall, for the purposes of this Act, have power either by himself or by an Assistant Superintendent of Survey or by other officers employed in the survey, to enter between the hours of sunrise and sunset, upon any land or premises within the local limits aforesaid, without being liable to any legal proceedings whatsoever on account of such entry, or of anything done on such land or premises in pursuance of this Act:

Provided that no such entry shall be made upon lands or premises which may be occupied at the time, unless with the consent of the occupier thereof, or without previously giving the said occupier twenty-four hours' notice of the intention to do so.

Superintendent to give notice before entering on land.

5. Before entering on any land or premises for the purposes of survey, the Superintendent may cause a notice in writing under his hand to be served on the owner of the land or premises about to be surveyed, and on the owners of conterminous lands or premises calling upon them to attend either personally or by agent on such land or premises before him or before such officer as may

be authorized by him in that behalf, within a specified time (which shall not be less than three days after the service of such notice) for the purpose of pointing out boundaries, and of affording such information as may be needed for the purposes of this Act, and every person on whom such notice may be served shall be legally bound to attend as required by the notice and to give any information which may be required so far as he may be able to give it.

Persons summoned failing to appear are bound by the survey.

6. If after due service of notice under the last preceding section, any person fails to appear without showing sufficient cause to the satisfaction of the Superintendent, the Superintendent, or such officer as may be authorized by him, may proceed with the survey, and the person who is so absent shall be bound by the results of the survey in the same manner and to the same extent as if the survey were made in his presence.

In case of dispute Assistant Superintendent to hold an enquiry.

7. If in the course of survey it shall come to the notice of the Superintendent that a dispute exists as to any boundaries which should be surveyed, the Superintendent shall cause an enquiry to be held by an Assistant Superintendent, as hereinafter provided, for the purpose of determining such boundaries.

Procedure in case of dispute as to boundaries.

8. When any dispute exists as to any boundaries, the Assistant Superintendent who may be authorized by the Superintendent in this behalf shall cause a notice in writing under his hand to be served on the parties concerned requiring them to appear before him in person, or by an authorized agent on a specified day, and to produce evidence of possession of the land in dispute. The Assistant Superintendent shall, on the specified day, or on such other day to which the hearing may be adjourned, hear the parties, receive the evidence produced by them respectively, consider the effect of such evidence, take such further evidence as he may think necessary, and without reference to the merits of the claim of any of such parties to a right to possess the land in dispute, decide which of the parties is in possession of the said land at the time of the survey.

Power of Assistant Superintendent to enforce attendance of witnesses.

9. For the purposes of the enquiry aforesaid, the Assistant Superintendent shall have power to summon and enforce the attendance of witnesses, and compel the production of documents by the same means and in the same manner as is provided in the case of a Court under the Code of Civil Procedure.

After an enquiry, Assistant Superintendent to record his decision.

10. After the enquiry has been completed, the Assistant Superintendent shall pass an order in writing, defining clearly the subject of dispute, and shall record his decision and the reasons for such decision.

An appeal shall lie to the Board of Revenue.

11. An appeal shall lie from any order passed by an Assistant Superintendent under the last preceding section to the Board of Revenue, or to such other authority as the Local Government may, by notification in the *Calcutta Gazette*, appoint in this behalf, if preferred within thirty days from the date of such order.

Power to refer to arbitration.

12. In every case of disputed boundaries, the Assistant Superintendent authorized to hold the enquiry may, on the written application of the parties, refer the dispute to one or more arbitrators nominated by the parties respectively, and shall fix such time, and allow such extension of time, as may seem reasonable for the delivery of the award:

Provided that if it appears to the Assistant Superintendent that the Local Government or the Corporation of Calcutta is interested in any such dispute, he shall appoint, in the former case, the Collector, or Deputy Collector of Calcutta, and in the latter case, the Chairman, Vice-Chairman, or Surveyor of the Corporation, one of the arbitrators, unless the parties agree to such officer being appointed sole arbitrator.

On failure of an arbitrator to act, another may be appointed.

13. Where an arbitrator nominated by a party refuses to act or becomes incapable of acting by reason of death or other sufficient cause, the party by whom he was nominated may, by a written application to the Assistant Superintendent, nominate another arbitrator, and on being satisfied that the application has been made on sufficient grounds, he shall confirm such nomination, and the arbitrator so appointed may thereupon proceed with the enquiry.

Appointment of an umpire.

14. If the arbitrators differ, the award shall be in accordance with the opinion of the majority; if they are equally divided in opinion, it shall be competent to them or to the Assistant Superintendent, on the written application of the arbitrators or of the parties to the arbitration to appoint an umpire, and the decision of the umpire determining the boundaries in dispute shall have the force of an award of the arbitrators.

Power to enforce attendance of witnesses in an arbitration.

15. The Assistant Superintendent shall, on the application of the arbitrators or umpire, issue the same processes to parties and witnesses as he may issue in enquiries held by himself.

On failure to make an award, Assistant Superintendent may supersede the arbitration.

16. If the arbitrators or the umpire appointed under the preceding sections fail to deliver the award within the time allowed by the Assistant Superintendent, he may make an order superseding the arbitration, and in such case he shall proceed with the enquiry.

The award.

17. The award shall be made in writing and shall be signed by the persons making it, and shall be filed in the office of the Superintendent with any evidence which may have been taken by the arbitrators or the umpire. The Superintendent shall lay down the boundaries in accordance with the award.

18. The Superintendent may at any time cause to be erected, on any land which is to be, or has been, surveyed under this Act, temporary or permanent boundary marks of such materials and in such number and manner as he may determine to be sufficient.

Superintendent may erect boundary marks.

19. When any temporary boundary mark has been erected under the last preceding section, the Superintendent may cause a notice in writing under his hand to be served on the owner or person in occupation of the land or premises whereon, or adjoining which, such boundary mark is situate, requiring him to maintain and keep in repair such boundary mark till the survey has been completed.

Maintenance of temporary boundary marks.

20. After the survey of any part of the Town has been completed, the Superintendent shall deposit all maps, field books, proceedings, awards, and all other documents connected with the survey of such part in the Municipal Office of the Corporation of Calcutta.

All documents connected with the survey to be sent to the Municipal Office.

Any person interested in the survey may, at any time within two months from the date of such deposit, which date shall be notified in the *Calcutta Gazette*, inspect such documents free of charge.

And if during such period any objection to the survey be lodged with the Superintendent, such objection shall be decided by the Superintendent or by such officer as the Local Government may appoint in this behalf.

21. After all objections lodged under the last preceding section have been decided, the Local Government shall, if it approves the survey, signify such approval by notification in the *Calcutta Gazette*.

Approval of the survey by the Local Government to be notified.

22. No suit shall lie to set aside any demarcation of boundaries made under the provisions of this Act unless brought within one year from the date of the notification mentioned in the last preceding section.

No suit shall lie unless brought within one year.

23. The Local Government may lay down rules not being inconsistent with this Act to provide for the preparation of maps and for the collection and record of any information in respect of any land to be surveyed under this Act, and generally for the proper performance of all things to be done and for the regulation of all proceedings to be taken under this Act.

Local Government may make rules under the Act.

24. Every notice in and by this Act required to be served on any person may be served—

How notices may be served.

(*a*)—by delivering the same to the person to whom it is directed, or on failure of such service, by posting the same on some conspicuous part of the house in which the said person usually resides or holds his office, or carries on his business, or by delivering the same to an agent or servant of such person, or to a male adult member of his family and by fixing a copy on some conspicuous part of the land or premises to which it relates, or

(*b*)—by sending a registered cover through the post office containing such notice directed to the said person at the place where he resides:

Provided that, after the publication of the notification referred to in section 21, no survey made under this Act shall be vitiated for any defect in the service of notice.

25. Whoever fails to comply with a requisition contained in any notice duly served under section 5 or section 8 of this Act shall be liable to a fine not exceeding one hundred rupees.

Penalty for failure to comply with requisition in notice.

26. No proceedings under this Act shall be affected by reason of any informality, provided the directions of this Act be in substance and effect complied with; and no proceedings under this Act shall be affected by reason of the omission to serve any notice on an owner whose name is not registered as owner in the Calcutta Collectorate or in the registers of the Corporation of the Town of Calcutta.

Proceedings not to be affected by informality.

Power of Local Government to extend this Act to the Suburbs.

27. The Local Government may extend the whole or any of the provisions of this Act to the whole or any part of the Suburbs of Calcutta, which may hereafter be amalgamated for municipal purposes with the Town of Calcutta.

W. J. - Reg. No. 141826—2,000 8-2-87.

ACT No. II OF 1887.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 14th April* 1886, *and of the Governor-General on the 5th March* 1887.)

An Act to amend Bengal Act V of 1880.

Preamble.

WHEREAS it is expedient to amend the "Bengal Vaccination Act, 1880": It is enacted as follows:—

Preliminary.

Construction and commencement of Act.

1. This Act shall be read with, and taken as part of, "The Bengal Vaccination Act, 1880."

And it shall come into force from the day on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Interpretation.

2. In this Act, unless there be something repugnant in the subject or context—

"Vessel."

"Vessel" includes anything made for the conveyance by water of human beings or of property.

Vaccination of Children.

Amendment of section 3.

3. In section 3, immediately before the last paragraph, the following shall be inserted:—

Unprotected child may be required to be vaccinated within 15 days.

"and the parent or guardian of every unprotected child may, whenever the Superintendent of Vaccination, as hereinafter appointed, shall deem it expedient, be served with a

notice in the form prescribed in the first Schedule of this Act, requiring the parent or guardian, within fifteen days after the service of the same, to take such child, or cause such child to be taken, to a public vaccine station to be vaccinated, or within such period as aforesaid to cause it to be vaccinated by some medical practitioner or public vaccinator, and every such parent or guardian shall within the said period comply with the requisition,

Amendment of section 4.

4. For the first paragraph of section 4, the following shall be substituted :—

Inspection.

" At an appointed hour on the same day in the following week after the operation shall have been performed, or on an earlier day, if required, the parent or guardian shall cause the child to be inspected by the operator, or by any person deputed for that purpose by the Superintendent of Vaccination, that the result of the operation may be ascertained; and it shall be the duty of any public vaccinator who has vaccinated a child elsewhere than at a public vaccine station to visit the child at the time and for the purpose above mentioned, whether he is requested to do so or not, unless the Superintendent of Vaccination has deputed some other person to act for such public vaccinator in this behalf."

Vaccination of persons on board vessels.

Amendment of section 13.

5. To section 13 the following shall be added :—

Health Officer may, in certain cases, require immediate vaccination of unprotected person on board.

" If a vessel arrives in the said Port of Calcutta having on board any person suffering from the disease of small-pox, the said Health Officer may, if he deem it expedient in order to prevent the risk of the contagion of small-pox being conveyed into the Town or Suburbs of Calcutta, require any unprotected person on board such vessel to submit himself forthwith to be vaccinated, and every such person shall before leaving the vessel submit himself to the said Health Officer, or any person duly authorised to act in this behalf, for vaccination :

Provided that nothing herein contained shall apply to any vessel belonging to, or in the service of, Her Majesty or the Government of India, or to any vessel belonging to any foreign Prince or State."

Proviso.

New section to follow section 13.

6. After section 13 the following section shall be inserted :—

Miscellaneous.

"13A. Every person occupying any house, enclosure, vessel, or other place within the limits of the Town or Port of Calcutta, or the Suburbs of Calcutta, or the town of Howrah, shall allow the Superintendent of Vaccination, or a medical practitioner or public vaccinator duly authorized by him in this behalf, such access thereto as he may require for the purpose of ascertaining whether the inmates are protected or not, and as, having regard to the customs of the country, may be reasonable.

Occupier of house, &c., to allow access.

Whenever it is necessary to ascertain whether a woman is protected or not, the investigation shall be conducted by a female with strict regard to the habits and customs of the country."

Amendment of section 28.

7. To section 28, after clause (*c*), the following clause shall be added :—"or

(*d*) refuses without reasonable excuse to submit himself to be vaccinated when required so to do by the Health Officer exercising the powers conferred upon him by section thirteen."

New sections to follow section 29.

8. After section 29 the following sections shall be inserted :—

"29A. Whoever voluntarily obstructs any public vaccinator in the discharge of the duties assigned to him as such shall be punished for each such offence with fine which may extend to fifty rupees.

Penalty for obstructing public vaccinator in the discharge of his duties.

"29B. Any public vaccinator who vexatiously and unnecessarily enters any house, enclosure, vessel, or other place, on pretence of ascertaining whether the inmates, or any of them, are protected or not, shall, for every such offence, be punished with fine which may extend to fifty rupees."

Vexatious entry by public vaccinator.

FIRST SCHEDULE.

(*See* SECTION 3.)

To

[Here insert the name of the parent or guardian.]

Take notice that you are hereby required, under the provisions of the Bengal Vaccination Act, 1880, to take, or cause [here insert the name of the child] the child of [here insert the name of the father] to be taken to a public vaccine station for vaccination, or to cause it to be vaccinated by some medical practitioner or public vaccinator within fifteen days from the service of this notice, and that in default of so doing you will be liable to a fine of fifty rupees.

The public vaccine station nearest your house is at

the days and hours for vaccination at that station are as follows:—

[Here insert the days and hours when the public vaccinator is in attendance.]

On the said [here insert the name of the child] being brought before a public vaccinator at the said station within the said hours on any of the said days, or at any other public vaccine station in the town on the days and within the hours prescribed for public vaccination at such station, the said [here insert the name of the child] will be vaccinated free of charge.

If you wish the said [here insert the name of the child] to be vaccinated at your own house, the public vaccinator will attend there upon payment of a fee of

Dated the of 18

Superintendent of Vaccination.
or Civil Surgeon as the case may be.

Reg. No. 16842G.—3000—17-3-87.

ACT No. III OF 1887.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 2nd April, 1887, and of the Governor-General on the 15th idem.)

An Act to amend the Calcutta Port Improvement Act, 1870.

Preamble.

WHEREAS it is expedient to further amend the Calcutta Port Improvement Act, 1870: It is enacted as follows:—

Short title.

I. This Act may be called "The Calcutta Port Improvement Act Amendment Act, 1887."

Commencement.

II. It shall be read with, and taken as part of, Bengal Act V of 1870 as amended by Bengal Acts VII of 1871, III of 1872, IV of 1880, I of 1881, and II of 1883, and it shall come into force on such date as may be fixed by the Lieutenant-Governor, not being more than three months after the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Repeal of sections 2, 4, and 14 of Act V (B.C.) of 1870.

III. Sections 2, 4 and 14 of Bengal Act V of 1870 are hereby repealed.

This repeal shall not affect the validity of anything done or suffered, or any right, title, obligation or liability accrued before the commencement of this Act.

Constitution of Commissioners.

IV. There shall be thirteen Commissioners, that is to say—

six elected Commissioners.

six nominated Commissioners, and

a Chairman.

Provided that, when all the vacancies in the number of the Commissioners appointed under Bengal Act V of 1870 have been

filled under the first four clauses of section 10, not less than two of the Commissioners shall be natives of India residing in Calcutta or Howrah.

V. Of the elected Commissioners—

Election and appointment of Commissioners.

four shall be elected by the members for the time being of the Bengal Chamber of Commerce,

one shall be elected by the members for the time being of the Calcutta Trades' Association, and

one shall be elected by the Commissioners of the Town of Calcutta,

in such manner as shall, from time to time, be determined at a meeting of the members of the said Chamber, at a meeting of the members of the said Association, and at a meeting of the said Commissioners of the Town of Calcutta, convened in accordance with the rules at the time in force in this behalf.

The President of the said Chamber, the Master of the said Association, and the Chairman of the said Commissioners of the Town of Calcutta shall each make a return to the Lieutenant-Governor of the name of every person so elected by the said Chamber, the said Association, and the said Commissioners of the Town of Calcutta, and such return shall be published in the *Calcutta Gazette*.

In default of election, Lieutenant-Governor to appoint.

VI. In the event of default being made by the Bengal Chamber of Commerce, the Calcutta Trades' Association, or the Commissioners of the Town of Calcutta in electing any Commissioner under the last preceding section within the period hereinafter prescribed in this behalf, it shall be lawful for the Lieutenant-Governor to appoint a person, and the person so appointed shall be deemed to be a Commissioner as if he had been elected by the Bengal Chamber of Commerce, the Calcutta Trades' Association, or the Commissioners of the Town of Calcutta, as the case may be.

Appointment of nominated Commissioners and Chairman.

VII. The nominated Commissioners and the Chairman shall be appointed by the Lieutenant-Governor by notification in the *Calcutta Gazette*.

VIII. The Lieutenant-Governor may, from time to time, appoint one of the Commissioners to be Vice-Chairman, and may cancel such appointment.

Appointment of Vice-Chairman.

IX. Notwithstanding anything in this Act contained, the Commissioners appointed under section 2 of Bengal Act V of 1870 shall continue to hold office until the expiry of the term prescribed in section 3 of the said Act.

Commissioners under Bengal Act V of 1870 continued.

X. Each of the first four vacancies in the number of the Commissioners appointed under Bengal Act V of 1870 caused by Commissioners, who at the time of their appointment were members of the Bengal Chamber of Commerce, ceasing to act, shall be filled by election by the members for the time being of the Bengal Chamber of Commerce in the manner provided in section 5.

First elections and appointments under this Act.

When a vacancy in the number of the Commissioners appointed under Bengal Act V of 1870 is caused by a Commissioner, who at the time of his appointment was a member of the Calcutta Trades' Association, ceasing to act, such vacancy shall be filled by election by the members for the time being of the Calcutta Trades' Association in the manner provided in section 5.

When a vacancy in the number of the Commissioners appointed under Bengal Act V of 1870 is caused by the Chairman of the Commissioners of the Town of Calcutta ceasing to act, such vacancy shall be filled by election by the Commissioners of the Town of Calcutta in the manner provided in section 5.

All other vacancies in the number of the Commissioners appointed under Bengal Act V of 1870 shall be filled by appointment by the Lieutenant-Governor in the manner provided in section 7.

And thereafter all vacancies caused by elected Commissioners ceasing to act shall be filled by election under section 5, and all vacancies caused by nominated Commissioners ceasing to act shall be filled by appointment under section 7.

Time within which elections and appointments are to take place

XI All vacancies in the number of the Commissioners, whether appointed under Bengal Act V of 1870, or elected or appointed under this Act, shall be filled by election or appointment, as the case may be, within one month.

Casual vacancies

XII. Any casual vacancy in the number of the Commissioners occasioned by the death, resignation, or disqualification shall be filled up in the same manner, and subject as far as may be to the same provisions, as are applicable in the case of original elections and appointments of Commissioners.

Amendment of sections 3, 5, 12 and 13 of Act V (B. C.) of 1870.

XIII. In section 3 of Bengal Act V of 1870, before the word "re-appointed" shall be inserted the words "re-elected or"; in section 5 the words "as hereinbefore provided" shall be omitted, and before the word "appointed" shall be inserted the words "elected and"; in section 3 and section 12, before the word "appointed," shall be inserted the words "elected or," wherever the same occurs; and in section 12 and section 13, before the word "appointment," shall be inserted the words "election or," wherever the same occurs.

W. J.—Reg No. 1158G—2,000—22-4-87.

BENGAL SECRETARIAT LIBRARY.

ACT No. IV OF 1887.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 26th March*, 1887, *and of the Governor-General on the 11th May*, 1887.)

An Act to appoint Commissioners for the Port of Chittagong.

Preamble.

WHEREAS it is expedient to provide for the management of the affairs of the Port of Chittagong, and for that purpose to appoint Commissioners: It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called "The Chittagong Port Commissioners' Act, 1887."

Commencement.

And it shall come into force on such date as the Local Government may, by notification, direct.

Interpretation.

2. In this Act, unless there be something repugnant in the subject or context—

"High-water mark."

"High water mark" means a line drawn through the highest points reached by ordinary spring tides at any season of the year.

"Land."

"Land" includes the bed of the river below high-water mark, and also things attached to the earth or permanently fastened to anything attached to the earth.

"Low-water mark."

"Low water mark" means the lowest point reached by ordinary ebb spring tides at any season of the year.

"Master" when used in relation to any vessel, means any person (except a pilot or harbour-master) having for the time being the charge or control of such vessel.

"Master."

"Notification" means a notification published in the *Calcutta Gazette*.

"Notification."

"Owner" includes also any agent to whom a vessel is consigned.

"Owner."

"Pilot" means a person for the time being authorized by the Local Government to pilot vessels.

"Pilot."

"Port" means the Port of Chittagong as defined for the purposes of this Act.

"Port."

"River" means any flowing water within the port navigable by vessels, and includes the bank up to high-water mark.

"River."

"Vessel" includes any ship, barge, boat, raft or craft, or any other thing whatever made for the conveyance by water of human beings or of property.

"Vessel."

3. The Local Government may, by notification, define the limits of the port for the purposes of this Act, and may from time to time, by a like notification, alter such limits.

Power to define and alter limits of port.

Such limits may extend to any part of the navigable approaches to Chittagong, and may include any wharves, quays, stages, jetties, piers, tramways, warehouses, sheds, and other works made on behalf of the public for the convenience of traffic, for the safety of vessels or for the improvement, maintenance and good government of the port or river, whether within or without high-water mark, and (subject to any rights of private property therein) any portion of the shore or bank within fifty yards of high-water mark.

CHAPTER II.

Appointment and Election of the Commissioners.

4. The duty of carrying out the provisions of this Act shall subject to such conditions and limitations as are hereinafter contained, be vested in

Commissioners incorporated.

the "Commissioners of the Port of Chittagong," hereinafter called "The Commissioners," and the Commissioners shall be a body corporate and have perpetual succession and a common seal, inscribed "Commissioners of the Port of Chittagong," and shall sue and be sued by the name first aforesaid.

Appointment and election of Commissioners.

5. There shall be nine Commissioners, of whom six shall be appointed by the Local Government, and three shall be elected by such body, bodies or firms engaged in commerce in the Port as the Local Government may, with the previous sanction of the Governor-General in Council, from time to time direct.

In default of election, Local Government to appoint.

6. In the event of default being made by such body, bodies or firms in electing any Commissioner under the last preceding section, it shall be lawful for the Local Government to appoint a person, and the person so appointed shall be deemed to be a Commissioner as if he had been elected by such body, bodies or firms.

Tenure of office.

7. Every Commissioner shall, unless he becomes in the meantime disqualified under section eight, hold office for a term of two years; and any person on ceasing to be a Commissioner may, unless he has become disqualified under section eight, be re-appointed or re-elected.

The Local Government may at any time accept the resignation of any Commissioner.

Disqualification for office of Commissioner.

8. No person shall be qualified to be a Commissioner during such time as he

(*a*) is an uncertificated bankrupt or insolvent, or

(*b*) holds any office or place of profit under the Commissioners, or

(*c*) has, directly or indirectly, any share or interest in any work done by order of the Commissioners, or in any contract, or employment with, by, or on behalf of, the Commissioners;

and any Commissioner who

(*d*) becomes disqualified for any of the aforesaid reasons, or

(*e*) is absent from the meetings of the Commissioners for a period exceeding twelve consecutive months, or without the permission of the Commissioners from six consecutive meetings of the Commissioners, or

(*f*) is sentenced to imprisonment,

shall cease to be a Commissioner and his office shall thereupon become vacant:

Provided always that no Commissioner shall vacate his office by reason only of his

(*g*) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of, the Commissioners, or

(*h*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Commissioners may be inserted, or

(*i*) being interested in any loan of money to the Commissioners.

Casual vacancies.

9. Any casual vacancy in the office of a Commissioner occasioned by the death, resignation or disqualification of such Commissioner shall be filled up within one month

by the Local Government, if the office vacated was that of a Commissioner appointed by the Local Government, or

by the body, bodies or firms for the time being invested by the Local Government with the power of electing Commissioners under this Act, if it was that of an elected Commissioner,

in the same manner and subject, as far as may be, to the same provisions as are applicable in the case of original appointments and elections of Commissioners:

Provided that the Commissioner so appointed or elected shall retain his office so long only as the vacating Commissioner would have retained it if such vacancy had not occurred.

Chairman and Vice-Chairman.

10. The Local Government may from time to time appoint one of the Commissioners to be Chairman and another of the Commissioners to be

Vice-Chairman, and may cancel such appointment. Such Chairman and Vice-Chairman, respectively, shall receive such remuneration, if any, as the Local Government may from time to time determine.

Appointments and elections to be notified.

11. The names of all persons appointed or elected under sections five, six and nine shall be notified in the *Calcutta Gazette*.

CHAPTER III.

POWERS AND DUTIES OF COMMISSIONERS.

Power to hold property.

12. With the previous sanction of the Local Government the Commissioners may acquire and hold moveable or immoveable property within or without the limits of the port; and, with the same sanction, may lease, mortgage, sell or exchange such property.

Transfer of Government property to Commissioners.

13. The property specified in the first schedule of this Act shall be vested in the Commissioners: Provided that—

(*a*) no buildings or other permanent structures shall be erected thereon, except with the sanction of, and in accordance with plans to be previously approved by, the Local Government;

(*b*) any portion of such property required by Government for a public purpose may be resumed by Government without claim to compensation on the part of the Commissioners, except for buildings or other permanent structures erected thereon with the sanction of the Local Government subsequently to the date on which this Act comes into force;

(*c*) if any question arises between the Government and the Commissioners as to the boundaries of any portion of such land, the Local Government may define and demarcate such boundaries and the decision of the Local Government in respect to such boundaries shall be final.

Acquisition of land.

14. When any land is required for the purposes of this Act, the Local Government may, on the request of the Commissioners, proceed to acquir it under the provisions of the Land Acquisition Act, 1870;

and on payment by the Commissioners of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Commissioners.

Property to be in trust.

15. All property vested in, or acquired or held by, and all moneys paid or payable to, the Commissioners shall be held and applied by them in trust for the purposes of this Act.

Works to be constructed.

16. The works to be constructed and carried out by the Commissioners may include the following :—

(*a*) wharves, quays, stages, jetties and piers with all necessary and convenient drains, arches, landing places, stairs, fences, and approaches ;

(*b*) tramways, warehouses, sheds, engines and other appliances for conveying, receiving and storing goods and merchandize landed or to be shipped ;

(*c*) laying down moorings and erecting cranes, scales, and all other necessary appliances for loading and unloading vessels ;

(*d*) reclaiming, enclosing and raising any part of the bank or bed of the river within the limits of the port ;

(*e*) the construction and application of dredges and other machines for cleansing, deepening and improving the bed of the river within the limits of the port ;

(*f*) procuring and employing steam-vessels for towing vessels into, out of, in or upon, the river of the port ;

(*g*) such works without the limits of the port as shall be necessary for the protection of works executed under this Act;

(*h*) the excavation and maintenance of the Moheshkali channel or any other navigable channel communicating therewith which may hereafter be placed under the management of the Commissioners by the Local Government by notification ;

(*i*) all such other works and appliances as may, in the opinion of the Commissioners, be necessary for carrying out the provisions of this Act.

Power to make port rules.

17. With the previous sanction of the Local Government, the Commissioners may make rules consistent with this Act and with the Indian Ports Act, 1875, for any of the following purposes :—

(*a*) for regulating, declaring and defining the wharves, quays, stages, jetties, and piers on and from which goods shall be landed from and shipped in vessels within the port;

(*b*) for the safe and convenient use of such wharves, quays, stages, jetties, piers and of landing-places, tramways warehouses, sheds and other works in and adjoining them;

(*c*) for regulating the reception and removal of goods within and from the premises of the Commissioners, and for declaring the procedure to be followed in taking charge of goods which may have been damaged before landing, or may be alleged to be so damaged;

(*d*) for the mode of payment of tolls, charges, dues and rates levied under this Act:

(*e*) for providing water for ships and for licensing and regulating water-boats within the port;

(*f*) for the removal of wrecks from the port or the river and keeping clean the port, the river, the bank of the river and the works of the Commissioners, and for preventing filth or rubbish being thrown therein or thereon;

(*g*) for otherwise carrying out the purposes of this Act;

And may from time to time, with the like sanction, repeal or alter such rules.

Such rules when sanctioned shall be published in such manner as the Local Government may direct, and shall thereupon have the force of law.

Control of pilots within the port.

18. Within the limits of the port pilots in charge of vessels shall obey all lawful orders issued to them by the Commissioners in respect to such vessels.

Free public landing-places.

19. The Commissioners shall make a sufficient number of landing-places within the port, from and upon which the public may be permitted to embark and land free of charge.

20. The Commissioners may occupy or remove or alter any bathing-place or landing-place within the port, and prohibit the public from resorting to or using such bathing-place or landing place:

Removal of bathing and landing-places.

Provided that the Commissioners shall provide for the use of the public such other bathing-places or landing-places, if any, as the Local Government may, by notification, direct.

21. For the expeditious and convenient landing and shipment of goods from and in sea-going vessels within the port, and for the storing of such goods, the Commissioners may provide and maintain sufficient wharves, quays, stages, jetties, piers, warehouses and sheds, and sufficient servants and appliances, and may by their servants land and ship all goods from and in any such vessel coming to such wharf, quay, stage, jetty or pier, except where there is a lawful excuse for refusing to land or ship such goods, or such vessel is under any enactment for the time being in force not entitled to have her cargo shipped or discharged:

Appliances for the convenient shipment and landing of goods in and from sea-going vessels.

Provided that—

(*a*) The Commissioners shall not be bound to land, ship or move any single article or package exceeding ten tons of twenty hundredweight in weight, except at such special charge as may be agreed on in respect of such article or package;

(*b*) the Commissioners may, by special agreement with the masters of vessels or the owners of goods, permit goods to be landed and shipped by others than the servants of the Commissioners.

22. When any wharf, quay, stage, jetty or pier has been made and completed, with sufficient warehouses, sheds and appliances for landing and shipping, or for landing or shipping goods from and in sea-going vessels, the Commissioners may, with the previous sanction of the Local Government, by a notification published in three consecutive numbers of the *Calcutta Gazette*, declare that such wharf, quay, stage, jetty or pier is ready for receiving, landing and ship-

Sea-going vessels compelled to use wharves, &c.

shipping, or for landing or for shipping, as the case may be, goods from and in sea-going vessels.

From and after such publication the Commissioners may from time to time, when there is room at such wharf, quay, stage, jetty or pier, order to come alongside of such wharf, quay, stage, jetty or pier for the purpose of landing and shipping goods, or for landing or for shipping the same, as the case may be, any sea-going vessel within the port which has not commenced to discharge cargo, or which, being about to take in cargo, has not commenced to take in cargo.

If accommodation sufficient, all sea-going vessels compelled to use wharves, &c.

23. When a sufficient number of wharves, quays, stages, jetties, piers, warehouses, sheds and appliances have been provided as aforesaid, the Commissioners may, with the previous sanction of the Local Government, by an order published in three consecutive numbers of the *Calcutta Gazette*, direct that no goods shall be landed or shipped from or in sea-going vessels within the port, save at such wharves, quays, stages, jetties and piers.

The Commissioners may in like manner, with the like sanction, alter, vary, or revoke such order.

Inland vessels compelled to use wharves, &c.

24. When any wharf, quay, stage, jetty or pier for receiving, landing or shipping goods from or in vessels, not being sea-going vessels, has been made and completed by the Commissioners, with sufficient warehouses, sheds and appliances in that behalf, the Commissioners may, with the sanction of the Local Government, by an order published in three consecutive numbers of the *Calcutta Gazette*, declare that such wharf, quay, stage, jetty or pier is ready for receiving, landing and shipping goods from or in vessels, not being sea-going vessels, and that, within certain prescribed limits within the port to be specified in such order, it shall not be lawful to land or ship any goods from or in any vessel, not being a sea-going vessel, of any class specified in such order, except at such wharf, quay, stage, jetty or pier, or for any such vessel while within such limits to anchor, fasten or lie within fifty yards of low-water mark without the consent of the Commissioners.

If after such publication any such vessel, while within such limits, so anchors, fastens or lies, the Commissioners may cause the same to be removed out of the said limits.

The Commissioners may in like manner, with the like sanction, alter, vary or revoke any such order.

Power to order removal of vessels from wharves, &c.

25. The Commissioners may, by notice in writing, order the master or owner of any vessel to remove such vessel from any wharf, quay, stage, jetty or pier belonging to the Commissioners, and unless such vessel is removed therefrom within thirty-six hours after service of such notice on the master or owner thereof, the Commissioners may charge in respect of such vessel such sum as they think fit, not exceeding one hundred rupees for each day of twenty-four hours or portion of such day after the expiry of such thirty-six hours during which such vessel remains at such wharf, quay, stage, jetty or pier.

Power to exempt from obligation to use wharves, &c.

26. Notwithstanding anything contained in sections twenty-two, twenty-three and twenty-four, the Local Government may, by notification, from time to time permit certain specified vessels or classes of vessels to discharge or ship cargo, or certain specified cargo or classes of cargo, at such part of the port, in such manner, during such period, subject to such payments and on such conditions, as the Local Government may think fit, and otherwise grant exemption from the provisions of such sections.

The Local Government may also, by like notification, cancel or modify any such notification.

Discharge of liability on goods landed.

27. Whenever any goods are landed by the Commissioners from any vessel, the Commissioners shall, if so required, give to the master of such vessel a receipt in the form set forth, or to the effect set forth in the second schedule of this Act, and may in any such receipt include all goods landed from such vessel during one day:

Provided that no master or owner of a vessel, from which the goods in respect of which such receipt is given may have been landed, shall be liable for any loss or damage to such goods which may occur after they have been so landed.

Wharves, &c., to be appointed under Customs Acts.

28. When the Local Government appoints, under the provisions of any Act for the regulation of duties of customs any wharf, quay, stage, jetty, pier, warehouse or shed provided under this Act for the use of sea-going vessels to be a wharf for the landing or shipping, or a warehouse for the storing, of goods within the meaning of such Act, the Commissioners shall set apart, maintain and secure on or in such wharf, quay, stage, jetty, pier, warehouse or shed such portion thereof or place therein, or adjoining thereto, for the use of the officers of Customs as the Local Government approves of or appoints in that behalf.

Dues at Customs wharves, &c.

29. Notwithstanding that any wharf, quay, stage, jetty, pier, warehouse or shed or portion thereof, has, under the provisions of the last foregoing section, been set apart for the use of the officers of Customs, all dues, rates, tolls, charges and rents payable under this Act in respect thereof, or for the use thereof, or for the stowage of goods therein, shall be paid and be payable to the Commissioners or to such persons as they may appoint to receive such dues, rates, tolls, charges or rents.

Private wharves, &c., prohibited.

30. Save as is hereinafter provided, no person except the Commissioners shall, after the date on which this Act comes into force, make, erect or fix below high-water mark within the port any wharf, dock, quay, stage, jetty, pier, erection or mooring.

Any matter or thing so made, erected or fixed may be removed by the Commissioners, and the person who has so made, erected or fixed any such matter or thing shall be punished with fine which may extend to one thousand rupees, and with a further fine which may extend to one hundred rupees for every day during which such matter or thing has been permitted to remain so made, erected or fixed after notice to remove it has been given to him, and shall also be liable to pay all expenses which may have been incurred by the Commissioners in removing such matter or thing.

Power to permit erection of private wharves, &c., within the port subject to conditions.

31. The Commissioners may, by an order in writing, and subject to the conditions contained in the same, permit any person to make, erect or fix below high-water mark within the port any wharf, dock, quay, stage, jetty, pier, erection or mooring.

Wharves, &c., beyond port limits.

32. In case any wharf, dock, quay, stage, jetty, pier, erection or mooring is, after the date on which this Act comes into force, without the consent in writing of the Commissioners, made, erected or fixed below high-water mark without the limits for the time being of the port, and thereafter the limits of the port are extended so as to include the place in which such wharf, dock, quay, stage, jetty, pier, erection or mooring has been made, erected or fixed, the Commissioners may remove, fill up, or destroy such wharf, dock, quay, stage, jetty, pier, erection or mooring without making any compensation therefor.

33. The Commissioners shall frame—

Scale of tolls and charges to be framed.

(*a*) A scale of tolls, dues, rates and charges for the landing and shipment of goods from and in sea-going vessels and vessels not being sea-going vessels respectively, at the wharves, quays, stages, jetties and piers, and for the use of such wharves, quays, stages, jetties and piers by such vessels, and for the storing and keeping of any goods stored in any premises belonging to the Commissioners, and for the removal of goods, and for the use of any mooring.

(*b*) A scale of tolls for the use of the said wharves, quays, moorings, stages, jetties, and piers by any such vessels, in case the Commissioners permit the goods to be landed or shipped by others than their own servants.

(*c*) A scale of charges for any services to be performed by the Commissioners or their servants in respect of any vessels or goods, or for the use of any works or appliances to be provided by the Commissioners.

Such scales shall be submitted to the Local Government, and, after approval or modification by the Local Government, shall be published by the Commissioners in the *Calcutta Gazette*.

The Commissioners may from time to time in like manner, with the like approval or modification and publication, alter such scales.

Every such scale shall be printed in the English and Bengalee languages and characters, and shall be hung up, and kept hung up, in some conspicuous place at the several wharves, quays, stages, jetties, piers, warehouses and sheds.

Commissioners' lien for tolls and charges

34. For the amount of all tolls, dues, rates and charges leviable under this Act in respect of any goods, the Commissioners shall have a lien on such goods, and shall be entitled to seize and detain them until such tolls, dues, rates and charges are fully paid.

Tolls, dues, rates and charges in respect of goods to be landed shall become payable immediately on the landing of the goods, and in respect of goods to be removed from the premises of the Commissioners or to be shipped for export, shall be payable before the goods are removed or shipped.

The lien for such tolls, dues, rates and charges shall have priority over all other liens and claims, except a lien for freight, primage and general average where such lien has been preserved in the manner hereinafter provided and a lien for money payable to Her Majesty or the Secretary of State for India in Council under any law for the time being in force.

Owner's lien for freight.

35. If the Master or owner of any vessel, at or before the time of landing from such vessel of any goods at any wharf, quay, stage, jetty or pier, gives to the Commissioners notice in writing that such goods are to remain subject to a lien for freight, primage or general average of an amount to be mentioned in such notice, such goods shall continue liable after the landing thereof to such lien.

Such goods shall be retained either in the warehouses and sheds of the Commissioners, or, with the consent of the Chief Officer of Customs, in the public warehouses, at the risk and expense of the owners of the said goods, until the lien is discharged as hereinafter mentioned.

Discharge of ship-owner's lien for freight.

36. Upon the production to any officer appointed by the Commissioners in that behalf of a document purporting to be a receipt for, or a release from, the amount of such lien, executed by the person by or on whose behalf such notice has been given, the Commissioners may permit such goods to be removed without regard to such lien:

Provided that they shall have used reasonable care in respect to the authenticity of such document.

Goods may be removed to warehouses.

37. Whenever goods have, without any default on the part of the Commissioners, been left for two clear days on or in any wharf or shed belonging to the Commissioners, the Commissioners may cause such goods to be removed either to any warehouse belonging to them or, with the consent of the Chief Officer of Customs, to the public warehouses; and the removal to and detention in any such warehouse shall be at the risk and expense of the owners of the said goods.

Whenever any goods are so removed, the Commissioners shall give notice to the consignee or owner of such goods of such removal, if his address be known, by letter sent by post to such address or left thereat; and shall also publish by notification and in the local newspaper or newspapers notice of such removal, and shall specify therein the numbers, marks, and descriptions of such goods so far as the same appear; and the consignee or owner of such goods in addition to the expenses of their removal, shall be liable, in case the goods are removed to any warehouse of the Commissioners, to a charge for warehousing for the time during which the goods shall remain in the said warehouse.

If the goods are removed to the public warehouses, the said consignee or owner shall be liable to the charges for warehousing goods in such public warehouses; and the said goods shall remain subject to all liens to which they would have been liable if they had remained in the possession of the Commissioners, and shall be subject to the power of sale hereinafter given.

Recovery of tolls and charges by sale of goods.

38. If the tolls, dues, rates and charges payable to the Commissioners in respect of any goods under this Act are not paid, or if the lien for

freight, primage or general average where such notice as aforesaid has been given is not discharged, the Commissioners may, and in the latter event, if required by or on behalf of the person claiming such lien for freight, primage or general average, shall, at the expiration of four months from the time when the goods were placed in their custody, sell by public auction the said goods, or so much thereof as may be necessary to satisfy the amounts hereinafter directed to be paid out of the produce of such sale.

Before making such sale, ten days' notice shall be given by publication thereof in the *Calcutta Gazette* and in the local newspaper or newspapers.

If the address of the owner of the goods has been stated on the manifest of the cargo, or in any of the documents which have come into the hands of the Commissioners, or is otherwise known, notice shall also be given to the owner of the goods by letter delivered at such address or sent by the post; but the title of a *bonâ fide* purchaser of such goods shall not be invalidated by reason of the omission to send such notice, nor shall any such purchaser be bound to enquire whether such notice has been sent:

Provided that, if such goods are of so perishable a nature as, in the opinion of the officer appointed by the Commissioners in that behalf, to render early or immediate sale necessary or advisable, the Commissioners may, within such period not less than twenty-four hours after the landing of the goods as they think fit, sell by public auction the said goods or such portion of them as aforesaid, in which event such notice, if any, shall be given to the owner of the goods as the urgency of the case admits of.

Application of sale proceeds.

39. The proceeds of every such sale shall be applied as follows:—

(*a*) in payment of the expenses of the sale;

(*b*) in payment, according to their respective priorities, of the liens and claims excepted in section thirty-two from the priority of the lien of the Commissioners;

(*c*) in payment of the tolls, dues, rates and charges of landing, removing, storing or warehousing the goods, and of all other charges due to the Commissioners in respect thereof.

The surplus, if any, shall be paid to the importer, owner or consignee of the goods, or to his agents, on his applying for the same:

Provided that such application is made within one year from the sale, or reason is shown to the satisfaction of the Commissioners why such application was not so made; and in case such application shall not be so made, nor reason shown, such surplus shall be held by the Commissioners upon trust for the purposes of this Act.

Recovery of tolls and charges by distraint of vessel.

40. If the master of any vessel in respect of which any tolls, dues, rates, charges or penalties are payable under this Act, or any rules or orders made in pursuance thereof, refuses or neglects to pay them or any part of them on demand, the Commissioners may apply to the Collector of Customs of the port, and such Collector shall distrain or arrest such vessel and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount so due to the Commissioners is paid.

And in case any part of the said tolls, dues, rates, charges or penalties, or of the costs of the distress or arrestment, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrestment has been so made, the Collector of Customs may cause the vessel or other thing so distrained or arrested to be sold, and, with the proceeds of such sale, shall satisfy such tolls, dues, rates, charges or penalties and costs, including the costs of sale remaining unpaid, rendering the surplus, if any, to the master of such vessel on demand.

Port clearance not to be granted till tolls, &c., are paid

41. If the Commissioners give to the officer of Government whose duty it is to grant the port clearance of any vessel a notice stating that an amount therein specified is due in respect of tolls, dues, rates, charges or penalties chargeable under this Act, or any rules or orders made in pursuance thereof, against such vessel, or by the owner or master of such vessel, in respect thereof, or against or in respect of any goods on board such vessel, such officer shall not grant such port clearance until the amount so chargeable has been paid.

Compensation for damage to property of Commissioners.

42. In case any damage or mischief is done to any wharves, docks, quays, jetties, stages, piers or works constructed or acquired by the Commissioners under this Act by any vessel, through the negligence of the master thereof or of any of the mariners or persons employed therein, any Magistrate of the town of Chittagong may, on the application of the Commissioners, and on declaration by them that payment for such damage or mischief has been refused or has not been made on demand; issue a summons to the master or owner of such vessel, requiring him to attend on a day and at an hour named in the summons to answer touching such damage or mischief.

If at the time appointed in the summons, and whether the person summoned appears or not, it is proved that the alleged damage was done through such negligence as aforesaid; and that the pecuniary amount of the same does not exceed five hundred rupees, the Magistrate may issue his warrant of distress, under which a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores of the vessel may be seized and sold to cover the expenses of and attending the execution of the distress, and the pecuniary amount of damage as aforesaid, and such amount shall be paid to the Commissioners out of the proceeds of the distress:

Provided that if, at the time of the damage or mischief, the vessel was under the orders of a duly authorized officer belonging to the Pilot Service or the Harbour-Master's or Master-Attendant's Department, the case shall not be cognizable by the Magistrate under this section.

River police.

43. The Commissioners shall provide such sums as the Local Government may from time to time require for the establishment and maintenance of police, to be called "River Police," for the protection of the port, the approaches to the port and the river. Such sums shall be a first charge on any property vested in, and on any moneys paid or payable to, the Commissioners under this Act.

The River Police shall be enrolled under Act V of 1861 (*for the Regulation of Police*).

CHAPTER IV.

General Control of Government

Commissioners' acts subject to approval

44. All acts and proceedings of the Commissioners shall be subject to the approval of the Local Government who may cancel, suspend, or modify any such acts or proceedings, and may grant exemption from the payment of any tolls, charges, dues or rates leviable under this Act.

Control over works and expenditure

45. The Local Government may from time to time make rules consistent with this Act as to the cost and class of works which the Commissioners may execute, and the objects to which the receipts of the Commissioners shall be applied.

Local Government may order a survey.

46. The Local Government may at any time order a survey and examination of any works of the Commissioners under this Act, or the site thereof, and the cost of such survey or examination shall be borne and paid by the Commissioners

Local Government may carry out neglected works

47. If the Commissioners allow any work acquired or constructed by them under this Act to fall into disrepair, or do not complete any work commenced by them or duly estimated for and sanctioned, and do not, after notice given by the Local Government in writing, proceed effectually to repair or complete such work, the Local Government may cause such work to be restored, completed or constructed, and the cost thereof shall be borne and paid by the Commissioners.

Local Government may revoke powers of Commissioners

48. If at any time the Local Government is satisfied that the purposes intended to be accomplished under this Act have not been, and are not likely to be, properly accomplished by the Commissioners, the Local Government may, by notification, give notice that, unless within six months the Commissioners take measures to the satisfaction of the Local Government for properly accomplishing such purposes, the powers by this Act conferred on the Commissioners will, at the end of such period, be withdrawn and revoked.

On the expiration of the period aforesaid, the Local Government may, if no such measures to its satisfaction have been taken by the Commissioners, declare such powers to be withdrawn or revoked, and may assume such powers and thereupon such powers shall be withdrawn and revoked accordingly, and all the powers, rights and authorities and all the property vested by this Act in the Commissioners shall thereupon vest in the Local Government

CHAPTER V

SUITS BY AND AGAINST THE COMMISSIONERS

Commissioners not personally liable

49 No Commissioner shall be personally liable for any contract made or expense incurred by or on behalf of the Commissioners, but the funds from time to time in the hands of the Commissioners shall be liable for and chargeable with, all contracts made in manner hereinafter provided

Commissioners liable for breach of trust

50 Every Commissioner shall be liable for any misapplication of money entrusted to the Commissioners to which he has been a party, or which happens through, or is facilitated by the neglect of his duty

Limitation of suits

51. No suit shall be brought against the Commissioners or any of their officers, or any person acting under their direction, for anything purporting to be done under this Act until the expiration of one month next after notice in writing has been delivered or left at the office of the Commissioners, or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intending plaintiff

Unless such notice be proved, the Court shall dismiss the suit

Every such suit shall be commenced within six months next after the accrual of the right to sue, and not afterwards

If any person to whom any such notice of suit is given before suit is brought tender sufficient amends to the plaintiff, such plaintiff shall not recover

Indemnity to Commissioners for acts of harbour-master, &c.

52. The Commissioners shall not be answerable for any act or default of any master-attendant or harbour-master, or of any pilot, or of any deputy or assistant of any of the officers abovementioned, or of any person acting under the authority or direction of any such officer or assistant, done within the limits of the port; nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things within the said limits which may be used by such vessel:

Provided that nothing in this section shall protect the Commissioners from a suit in respect of any act done by or under their express order or sanction.

CHAPTER VI.

Meetings, Establishment, Contracts and the General Conduct of Business.

A Commissioner may be Secretary.

53. The Commissioners may, if they think fit, elect one of their number to be Secretary to the Commissioners.

Place of business.

54. The Commissioners shall have an office where they shall meet for the transaction of business.

Monthly meetings and remuneration for attendance.

55. The Commissioners shall meet for the transaction of business at least once in every month; and for attendance at every such meeting the Commissioners shall receive such fees, subject to such conditions, as the Local Government may from time to time prescribe.

Chairman and Vice-Chairman to attend.

56. The Chairman and Vice-Chairman shall, unless prevented by sickness or other reasonable cause, attend all meetings of the Commissioners.

Ordinary and special meetings.

57. The Chairman, or, in the event of his illness or absence from Chittagong, the Vice-Chairman may, whenever he thinks fit, and shall upon a requisition made in writing by not less than three Commissioners,

convene a meeting of the Commissioners for the transaction of any special business

Meetings so convened are special meetings all other meetings are ordinary meetings

Notice of meetings

58 At least three days' notice shall be given of every meeting of the Commissioners, and the notice shall state the nature of the business to be transacted

Conduct of business at meetings

59 At all meetings of the Commissioners the business shall be conducted in accordance with the following rules —

(*a*) The Chairman, or, in his absence the Vice-Chairman, shall be President, if both be absent, the Commissioners may elect one of their number to be President

(*b*) The President may, with the consent of the meeting, adjourn the meeting from time to time

(*c*) At special meetings no business shall be transacted other than the special business for the consideration of which the meeting was specially called at ordinary meetings any business may be transacted of which due notice has been given

(*d*) The quorum necessary for the transaction of business shall be such number, not less than four, as the Commissioners may from time to time prescribe

(*e*) All questions which may come before the Commissioners at any meeting shall be decided by a majority of votes. Each Commissioner shall have one vote, and, in case of equality of votes, the President shall have a second or casting vote

(*f*) Minutes of the proceedings at all meetings of the Commissioners shall be drawn up after each meeting, and shall be signed by the President and at least one other member who was present at such meeting A copy of all such minutes shall, as soon as conveniently may be, be transmitted to the Local Government

Mode of giving effect to resolutions

60 The Commissioners may appoint one or more of their number to carry out their resolutions, and to enforce any of the rules made under the provisions of this Act, or they may appoint a special officer for such purpose

Proceedings not invalidated by defect of notice or form.

61. No proceedings of the Commissioners at any special or ordinary meeting shall be deemed invalid solely by reason of defect of notice or defect of form.

Schedule of establishment.

62. The Commissioners shall from time to time prepare and submit to the Local Government a schedule setting forth the number of officers and servants necessary for carrying out the purposes of this Act, and of the salaries, fees and allowances which it is proposed to assign to such officers and servants.

The Local Government may sanction such schedule, or modify and sanction the same.

Every such schedule so sanctioned shall remain in force till some other such schedule has been so prepared and sanctioned.

It shall not be lawful for the Commissioners, to employ any officer or servant for any office or employment not sanctioned in such schedule, nor to pay or allow to any officer or servant any salary, allowance or fee greater than, or beyond, that sanctioned therein.

Nothing in this section applies to artizans, porters or labourers.

Commissioners are public servants.

63. The Commissioners and the servants of the Commissioners, other than artizans, porters and labourers, shall be deemed to be public servants within the meaning of section twenty-one of the Indian Penal Code.

Commissioners may make bye-laws.

64. The Commissioners may from time to time make bye-laws, consistent with this Act, for regulating the time and place of their meetings, the conduct of their business, the division of the duties among themselves, the guidance of persons employed by them, the appointment, payment, leave, suspension and removal of their officers and servants mentioned in the schedule last aforesaid, and for other similar matters.

The making of contracts.

65. Such one of their number as the Commissioners may from time to time, with the previous sanction of the Local Government, appoint in

this behalf may, for and on behalf of the Commissioners, enter into any contract whereof the value or amount shall not exceed two hundred rupees, in such manner and form as, according to the law for the time being administered in Chittagong, would bind him if such contract were on his own behalf, but every other contract by or on behalf of the Commissioners shall be in writing and signed by the Chairman or Vice Chairman and by two other Commissioners, and shall be sealed with the common seal of the Commissioners

Provided that no contract under or by virtue of which a sum greater than ten thousand rupees may in any event be payable by the Commissioners shall be valid without the sanction in writing of the Local Government

No contract not executed as in this section provided shall be binding on the Commissioners

Manner in which work to be sanctioned

66 No new work, the estimated cost of which exceeds one thousand rupees, shall be commenced by the Commissioners, nor shall any contract be entered into by the Commissioners in respect of any such work, until a plan and estimate thereof have been approved by the Commissioners at a meeting

In case the estimated cost of such new work exceeds five thousand rupees, it shall not be commenced, nor shall any contract be entered into in respect of it, until such plan and estimate have been submitted to the Local Government and sanctioned by it in an order published in the *Calcutta Gazette*

And in case the estimated cost of such new work exceeds ten thousand rupees, it shall not be commenced, nor shall any contract be entered into in respect of it, without the previous sanction of the Governor-General in Council

Money to be kept in treasury

67 All monies raised by and paid to the Commissioners under this Act shall be placed in the Chittagong treasury, and no disbursement of such funds or any part thereof shall be made—

(*a*) in excess of such sum as may in that behalf be from month to month appropriated by the Commissioners at a meeting, or

(*b*) except under the signature of the Chairman or Vice-Chairman.

Submission of reports, accounts and estimates.

78. The Commissioners shall annually, or oftener if directed by the Local Government so to do, submit in such form and at such time as the Local Government may from time to time direct—

(*a*) statements of their receipts and disbursements under this Act;

(*b*) reports of all works executed and proceedings taken by them under this Act;

(*c*) an estimate of their probable receipts for the financial year next following, with proposals for the expenditure of the same

Audit of accounts and sanction and publication of estimates

69. The accounts of the Commissioners shall be examined and audited in such manner as the Local Government may from time to time direct; and, subject to the provisions of this Act, the estimate of probable receipts, and the proposals for expenditure as aforesaid, may on submission be sanctioned by the Local Government, or may be modified or altered and sanctioned.

An abstract of such estimates and proposals shall, when sanctioned, be published in the *Calcutta Gazette*.

CHAPTER VII.

BORROWING POWERS OF THE COMMISSIONERS.

Local Government may advance money to the Commissioners.

70. The Local Government, acting on behalf of the Secretary of State for India in Council, may with the previous consent of the Governor-General of India in Council, from time to time advance money to the Commissioners for the general purposes of this Act; or

With consent of Government the Commissioners may raise loan.

The Commissioners may, with the previous consent of the Governor-General in Council, from time to time raise money for the said purposes or for the purpose of repaying, either in whole or in part, any monies heretofore or hereafter borrowed, or owing, by the Commissioners:

Provided always that no expenditure shall be charged by the Commissioners to capital except with the express sanction of the Local Government.

Manner of raising such loans to be determined by Government.

71. Whenever the consent of the Governor-General in Council has been obtained to the raising of money by the Commissioners under the last preceding section, the Local Government shall, with the previous consent of the Governor-General in Council, direct and appoint the manner in which money shall be raised.

Forms of debentures

72. When money is raised by the Commissioners on debentures, the debentures shall be in the form in the third schedule, or in such form as the Commissioners, with the previous consent of the Local Government, shall from time to time determine. The holder of any debenture in the form in the third schedule or in any form duly authorized under this section, may obtain, in exchange therefor, upon such terms as the Commissioners shall from time to time determine, a debenture in any other form so authorized.

Transfer of debentures.

Every debenture issued by the Commissioners shall be transferable—

(*a*) if it be in the form in the third schedule by endorsement; and

(*b*) if it be in any other form, in such manner as shall be therein expressed.

The right to sue in respect of the monies secured by debentures issued under this section shall vest in the respective holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

CHAPTER VIII.

PENALTIES.

Commissioners not to be interested in contract, &c.

73. Any Commissioner, or servant of the Commissioners, who shall acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Commissioners, shall be deemed to have committed an offence made punishable by section one hundred and sixty-eight of the Indian Penal Code:

Provided that nothing in this section shall apply to a person—

(*a*) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of, the Commissioners, or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Commissioners may be inserted, or

(*c*) interested in any loan of money to the Commissioners.

Infringement of sections 22, 23, 24, 26, 31.

74. Whoever infringes any order issued under sections twenty-two, twenty-three or twenty-four, or any condition prescribed under sections twenty-six or thirty-one shall be punished with fine which may extend to one hundred rupees; and if the infringement be continuing, with a further fine which may extend to one hundred rupees for every day such order is infringed.

Infringement of rules

75. Whoever infringes any rule framed by the Commissioners under sections seventeen shall be liable to a fine which may extend to fifty rupees; and if the infringement be continuing, to a further fine which may extend to ten rupees for every day after notice of such infringement has been given by the Commissioners.

Punishment in default of fine.

76. Whenever any person is sentenced to a fine under this Act, the convicting Court may direct that in default of payment of the fine, such person shall suffer simple imprisonment for a term which shall not exceed the following scale:—

(*a*) two months in the case of continuing infringement of section thirty;

(*b*) one month in the case of continuing infringement of sections twenty-two, twenty-three and twenty-four;

(*c*) fourteen days if the fine does not exceed fifty rupees;

(*d*) one month if the fine does not exceed one hundred rupees;

(*e*) two months if the fine exceeds one hundred rupees.

Prosecutions.

77. Prosecutions under this Act may be instituted by the Commissioners or any person authorized by them in this behalf and not otherwise.

CHAPTER IX.

MISCELLANEOUS.

Saving of previous port regulations.

78. All acts done and proceedings taken by the Port Officer before this Act comes into force, and all orders, rules and regulations relating to the port and to wharves, quays, stages, jetties, piers, landing-places tolls, charges, rates and dues within the port made and issued before this Act comes into force, shall, whenever such acts, proceedings, orders, rules or regulations would have been lawful if this Act had been in force, be deemed to have been respectively done, taken, made and issued under the provisions of this Act.

Receiving of dues as revenue.

79. All fees and sums due on account of property for the time being vested in the Commissioners, and all arrears of tolls, charges, rates and dues imposed under this Act may be recovered as if they were arrears of land revenue, in addition to the other modes hereinbefore provided.

FIRST SCHEDULE.

(*Referred to in section* 13.)

1. All the land belonging to Government, bounded on the east by the Nimtolly creek; on the south by the Kurnofuli river; on the west by the Monohurkhali creek; and on the north by a line drawn from Nimtolly creek to Monohurkhali creek; east and west immediately to the south of the premises owned by B. R. Texeira, known at the time of the passing of this Act as the Sailor's Home, and meeting the public road at its southern extremity.

2. The land held by Government on a perpetual lease from the said B R. Texeira, at the time of the passing of this Act in the occupation of the Customs Department, bounded on the east by the public road referred to in the last preceding clause; on the south by the land belonging to Government, the boundaries of which are set forth in the last preceding clause; on the west by the Monohurkhali creek; and on the north by the public road which joins the public road hereinbefore referred to.

3. The land held by Government on a perpetual lease from Bahirulla, bounded on the east by the Monohurkhali creek; on the south by the land at the time of the passing of this Act, occupied by the Government salt golahs; on the west by a public road leading to the Sudder Ghât jetty; and on the north by private property.

4. The Sudder Ghât jetty and the approaches leading thereto.

5. The waste land belonging to Government at the time of passing this Act occupied by the Customs Department, bounded on the east by the Sudder Ghât jetty; on the south by the Kurnofuli river; on the west by a tank, at the time of the passing of this Act in the possession of Messieurs Bulloch Brothers; and on the north by a road running east and west, lying to the south of the Customs House.

6. The land at the time of the passing of this Act occupied by the port godowns and yard, bounded on the east by the public road leading to the Sudder Ghât jetty, referred to in clause two of this Schedule; on the south by the Kurnofuli river; on the west by the premises at the time of the passing of this Act in the occupation of Messieurs Bulloch Brothers.

7. All other land the property of Government within the limits of the Port of Chittagong being within fifty yards of high water mark on both banks of the Kurnofuli river, except the land at the time of the passing of this Act occupied by the Government Salt Golahs, and all land, other than land with regard to which Government has the right of assessment only within the limits of the port included in any survey plot through which a line drawn fifty yards above high water mark passes.

SECOND SCHEDULE.

(*Referred to in Section* 27.)

RECEIPT FOR GOODS.

By the Port Commissioners, Chittagong.

Landed during the day of from the , by the Port Commissioners, Chittagong, the

noted in the margin, contents and state of the contents unknown

NOTE —*If there be any apparent injury, this is to be stated*

A B

For the Port Commissioners, Chittagong

CHITTAGONG, *The* *day of*

THIRD SCHEDULE

(*Referred to in Section 72*)

FORM OF DEBENTURE

THE COMMISSIONERS OF THE PORT OF CHITTAGONG

No *The* 188

By virtue of the Act No of 1887 of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, entitled "The Chittagong Port Commissioners' Act, 1887," we, the Commissioners of the Port of Chittagong, in consideration of the sum of Rs paid to us by *A B*, of promise to pay to the said , or order, the said sum of Rs after the date hereof, together with interest at the rate of per centum per annum, payable half-yearly on the day of and the day of

GIVEN under our Corporate Seal this day of 188

Signatures of the Chairman and two Commissioners

Seal *of the Commissioners*

J H B—Reg No 3556G—2 000—4 6 87

BENGAL SECRETARIAT LIBRARY

ACT No. V OF 1887.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Received the assent of the Lieutenant-Governor on the 26th March, 1887, and of the Governor-General on the 11th May, 1887.]

An Act for the regulation of the Rural Police in the Chota Nagpore Division.

PART I.

PRELIMINARY.

Preamble.

WHEREAS it is expedient to make provision for the appointment, dismissal, maintenance, and duties of village policemen and road patrols in the Chota Nagpore Division: It is enacted as follows:—

Short title.

1. This Act may be called "The Chota Nagpore Rural Police Act, 1887;"

Extent.

It extends to the districts of Hazaribagh and Lohardugga, and

Commencement.

shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Lieutenant-Governor may further extend the Act.

The Lieutenant-Governor may, by a notification published in the *Calcutta Gazette*, extend this Act, or any part thereof, to any other district in the Chota Nagpore Division, or to any specified part of such district from a date to be mentioned in such notification, and may by a like notification withdraw any district or any specified part of a district from the operation of this Act, or any part thereof, from a date to be mentioned in such notification.

Interpretation clause.

2 In this Act, unless there be something repugnant in the subject or context—

Circle

"Circle" means a group of villages allotted to one circle tehsildar for the collection of assessments under Part II of this Act.

Circle tehsildar

"Circle Tehsildar" means the person entrusted with the collection of the assessments for the payment of village policemen under this Act

"Deputy Commissioner"

"Deputy Commissioner" includes the Deputy Commissioner of the district and any officer appointed by the Lieutenant Governor to perform the functions of a Deputy Commissioner under this Act

Road patrol.

"Road patrol" includes ghatwals, dighwars, and all other persons, by whatever name they may be called, who are engaged in the performance of the duties assigned by this Act to road patrols

Under tenure

"Under tenure" includes also jaghir, khur-o-posh, mukarrari, and thika

'Village

"Village" includes a group of villages

'Village policeman

"Village policeman" includes chaukidars, goraits, and kotwars

Zemindar

'Zemindar" means the person whose name is registered in the general register of lands paying revenue directly to Government as the proprietor of an estate so paying revenue, or the person whose name is registered in the general register of revenue-free lands as proprietor of a revenue free tenure

PART II

VILLAGE POLICE

Deputy Commissioner to determine number of circles and village police and appoint circle tehsildars.

3 The Deputy Commissioner shall determine the number of circles into which his district shall be divided for the purposes of this Act, and the respective limits of such circles and the number of village policemen to be appointed

for each village within each circle, and shall appoint a circle tehsildar for each circle:

Provided that there shall be at least two village policemen appointed for every village in which there are one hundred and fifty houses, and one additional village, policeman for every complete number of one hundred houses beyond such number of one hundred and fifty.

Joining of two or more villages under one village policeman.

4. Where there are fewer than seventy-five houses in a village, and some house in such village is situated within one mile of some house in another village, the Deputy Commissioner may join such villages together, and appoint one village policeman for two or more villages:

Provided that, where two or more villages are joined together, one village policeman shall not have charge of more than one hundred and twenty-five houses.

Deputy Commissioner to determine salaries of village policemen.

5. The Deputy Commissioner shall from time to time determine the monthly salaries of the village policemen:

Provided that such salaries shall not be less than two nor more than four rupees per mensem for each village policeman:

Provided also that in determining such salaries the Deputy Commissioner shall take into consideration the value of the chakrau lands (if any) held by a village policeman.

Certain zemindars and under-tenure-holders liable to pay salaries of village policemen.

6. Wherever any zemindar or under-tenure-holder holds subject to the condition, expressed or implied, of maintaining the village police within his zemindari or under-tenure, he shall be liable to pay the amount determined by the Deputy Commissioner under the last preceding section.

Salaries to be raised by assessment and persons liable to assessment.

7. In cases other than those referred to in the last preceding section, the amount required for the salaries of the village policemen, together with a sum, not exceeding three and a half annas in the rupee of such amount, to provide for payment of the expenses of collection and losses from the non-

realisation of sums from defaulters, shall be assessed on each village;

and all owners or occupiers of houses in any village, and every zemindar or under-tenure-holder who has a bhander or cutcherry for the collection of rent within the village, shall be liable to assessment for the purposes of this Act.

Method of assessment.

8. The amount payable by each village shall be fixed by the Deputy Commissioner, and thereupon the tehsildar of the circle to which each such village belongs shall prepare a list showing the amount payable monthly by each person liable to assessment in such village.

Such list, when sanctioned by the Deputy Commissioner, shall be published at some conspicuous place within the village, and shall remain in force until altered by the Deputy Commissioner:

Provided that if two-thirds of the adult male inhabitants of any village apply to the Deputy Commissioner to appoint a panchayet in the place of the circle tehsildar he shall appoint a panchayet, consisting of not less than three nor more than five persons, and such panchayet shall, as far as such village is concerned, perform the duties of a circle tehsildar under this Act.

Nature and amount of assessment.

9. The amount at which each person is assessed under the last preceding section shall be fixed according to the circumstances and the property to be protected of such person:

Provided that the amount to be assessed on any one person shall not exceed one rupee per mensem in the case of a zemindar, under-tenure-holder or trader, nor eight annas per mensem in the case of an ordinary ryot:

Provided also that all persons who, in the opinion of the Deputy Commissioner, are too poor to pay half an anna per mensem, shall be exempted from assessment.

Alteration of assessment.

10. The Deputy Commissioner may from time to time alter the amounts assessed on any village.

Notice of such alteration shall be given to the tehsildar of the circle to which such village belongs before the month of *Magh* in the year preceding the year in which the alteration is to take effect.

When any such alteration is made, the circle tehsildar shall prepare and submit revised lists of the sums payable by each person

Power to confirm amend or remit assessment.

11 Any person dissatisfied with the amount at which he has been assessed may apply to the Deputy Commissioner, either orally or in writing, for a revision of the assessment and the Deputy Commissioner may confirm, amend or remit the assessment

Assessment payable quarterly in advance

12 Every sum due under section six of this Act and every assessment under section seven of this Act, shall be paid by equal quarterly instalments, and the instalments on account of each quarter shall be due on the first day of such quarter, the quarter being reckoned according to the year in current use in the district

Collection of assessment

13 The circle tehsildar shall collect from each village in his circle within the first month of each quarter, the amount payable by each of the persons assessed in such village, and shall grant printed receipts for the same, and shall pay the amount so collected to the District Superintendent of Police, who shall place the sum so received by him to the credit of the Chaukidari Fund in the district treasury

Payment of village policemen

14 The District Superintendent of Police shall remit, before the fifteenth of each month to the Sub-Inspector of Police of each thana, the pay due to all village policemen appointed under this Act in villages situated within the local area of such thana on account of the month next preceding, and it shall be the duty of such Sub-Inspector of Police to hand over to each village policeman at the thana the pay due to him on account of the next preceding month, and to take a receipt for the same

Application for attachment on failure to pay assessment

15 Whenever any person assessed under this Part fails to pay the amount due by him for any quarter before the end of the first month of such quarter, the circle tehsildar shall apply to the Deputy Commissioner for the attachment and sale of any moveable property belonging to such person

16. The Deputy Commissioner shall thereupon issue a writing in the form in schedule A hereto annexed, signed by him, authorising the circle tehsildar, or such other person as may be therein named, to levy, by the distraint and sale of a sufficient portion of the moveable property of such defaulters, other than plough-cattle and tools and implements of trade or agriculture, the amount of their respective arrears, together with sums equal to a proportionate share of the cost of the distraint and sale.

Power to distrain for arrears.

17. The person so authorized shall seize and keep in his own custody such portion of the moveable property of such defaulters as he shall deem sufficient, and shall make an inventory of all moveable property so seized, and shall at the same time give notice by beat of drum of the time and place where it shall be sold.

Manner of executing distress.

The time of sale shall not be less than five nor more than ten days from the time of the proclamation thereof.

18. If any defaulter does not, within the time specified in such notice, pay the amount payable by him, with his share of the costs, the moveable property distrained, or such portion of it as may be necessary, shall be sold by public outcry at the time and place specified, and the proceeds shall be applied in discharge of the amount so payable, and the costs and the surplus, if any, shall be returned to the owner of the distrained property.

Sale in execution of warrant

19. Whenever any person whose name has been included in any list of defaulters disputes his liability to pay the amount mentioned in such list or any portion thereof, he may apply to the Deputy Commissioner either orally or in writing, stating the grounds of his objection, and the Deputy Commissioner shall examine his objection and pass such order thereon as to him shall seem proper.

Defaulter disputing liability may apply to Deputy Commissioner

20. No arrears of any assessment payable under this Act shall be levied by distress after the expiration of one year from the day on which the same shall have become due.

Distress not to be levied after a year

21. No distress levied under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in any list, assessment notice, summons power, writing, inventory, or other proceeding relating thereto' nor shall such party be deemed a trespasser from the commencement on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularities may recover full satisfaction for any special damage sustained by them in any court of competent jurisdiction, subject to the provisions of section thirty-four of this Act.

Irregularities not to avoid distress.

22. Every village policeman appointed under this Act shall perform the following duties:—

Duties of village policeman.

1*st*—He shall give immediate information to the officer in charge of the police-station, within the limits of which the village of which he is village policeman is situated, of every unnatural, suspicious, or sudden death which may occur, and of every offence specified in Schedule B hereto annexed which may be committed within such village, and he shall further keep the police informed of all disputes which are likely to lead to any riot or serious affray.

2*nd*—He shall arrest all proclaimed offenders and all persons whom he may find in the act of committing any offence specified in Schedule B hereto annexed.

3*rd*—He shall observe, and from time to time report to the officer in charge of the police-station within the limits of which such village may be situated, the movements of all bad characters in such village.

4*th*—He shall report to the officer in charge of such police-station the arrival of suspicious characters in the neighbourhood.

5*th*—He shall present himself at such police-station twice in each week if it be within two miles of such village, and if it be more remote, once in each week or once

in each fortnight, as the Deputy Commissioner may direct.

6th—He shall supply any local information which the Deputy Commissioner or any officer of police may require.

7th—He shall obey the orders of the Deputy Commissioner in regard to keeping watch in the village and other matters connected with his duties as village policeman.

Procedure on arrest by village policeman.

23. Whenever a village policeman arrests any person, he shall forthwith take the person so arrested to the police-station within the limits of which the village of which he is village policeman is situated :

Provided that if the arrest is made at night, such person shall be so taken as soon as convenient on the following morning.

PART III.

ROAD PATROLS.

List of zemindars and under-tenure-holders liable for maintenance of road patrols to be prepared.

24. As soon as may be after the commencement of this Act the Deputy Commissioner shall prepare a list showing what zemindars or under-tenure-holders within his district hold their tenures subject to a condition, expressed or implied, of protecting lines of roads or passes, and shall fix the number of road patrols to be kept up for such roads or passes, and the salary to be paid monthly to each road patrol :

Provided that such salary shall in no case be less than three nor more than five rupees per mensem.

Copy of entry to be given to each zemindar or under-tenure-holder.

25. A copy of the entry in such list affecting him shall be given to each such zemindar or under-tenure-holder.

If any zemindar or under-tenure-holder is dissatisfied with such entry, he may appeal, within thirty days of the receipt of the copy of the entry, to the Commissioner, who shall pass such order as to him seems proper.

Zemindars and under-tenure holders entitled to receive rent for land held by road patrol in lieu of or in addition to his salary

26 When any land is held under any zemindar or under-tenure-holder by any road patrol in lieu of, or in addition to, his salary for the protection of any road or pass, the zemindar or under-tenure-holder who is responsible for the protection of such road or pass, shall, if assessed under section twenty-four of this Act, be entitled to receive rent for such land at the same rate as is paid for similar ryotwari land in the vicinity

An order under the hand of the Deputy Commissioner in the form in Schedule C hereto annexed shall be furnished to such zemindar or under-tenure-holder

Payments to whom to be made

27 All zemindars and under-tenure-holders specified in the list mentioned in section twenty-four of this Act shall pay the amount entered therein against their names to the District Superintendent of Police monthly, who shall pay the same to the road patrols to whom it may be due

Procedure on default of payment

28 If the amount due from any zemindar or under tenure-holder for any month is unpaid after the fifteenth day of the next succeeding month the Deputy Commissioner shall issue a notice calling on the defaulting zemindar or under-tenure-holder to pay the same, together with the costs of serving the notice, within fifteen days from the service of the notice

Attachment of zemindari or tenure

29 If the amount specified in the notice is not paid within fifteen days, the Deputy Commissioner may attach the holding of such zemindar or under tenure-holder, and retain possession of the same until such amount has been recovered out of the income derivable therefrom.

Duties of road patrols

30. Every road patrol appointed under this Act shall perform the following duties —

1st—He shall patrol the roads within his beat under instructions from the District Superintendent of Police, and shall protect all travellers passing along his beat.

2nd—He shall arrest all proclaimed offenders, and all persons whom he may find in the act of committing any

offence specified in Schedule B hereto annexed and shall forthwith take the person so arrested to the police-station within the limits of which he acts as road patrol

3rd—He shall report to the officer in charge of the police-station within the limits of which his beat is situated the movements of all bad or suspicious characters along his beat, as well as all unusual circumstances that come to his notice

4th—He shall supply any local information which the Deputy Commissioner or any officer of police may require

PART IV

MISCELLANEOUS

Power to appoint and dismiss village policeman or road patrol

31 Subject to the approval of the Deputy Commissioner the District Superintendent of Police may appoint, and for any misconduct or neglect of duty may dismiss, any village policeman or road patrol

Penalty for village policeman and road patrol withdrawing from his duties &c

32 Every village policeman or road patrol who shall withdraw himself from the duties of his office without the express permission of the District Superintendent of Police, or of some other officer duly authorized to grant such permission,

and every village policeman or road patrol who shall resign his office without the permission of the said District Superintendent, unless he has given to his superior officer, at least two months previously, a written notice of his intention to resign, and every village policeman or road patrol who shall be guilty of cowardice or who shall offer any unwarrantable personal violence to any person in his custody shall be liable, on conviction before a Magistrate, to a fine not exceeding three months' pay or to imprisonment, either simple or rigorous, for a period not exceeding three months, or both

Power to fine village policeman or road patrol

33 Every village policeman or road patrol who is guilty of any wilful misconduct in his office or neglect of his duty, such misconduct or neglect not being an offence within the meaning of the Indian Penal Code, and not being of so grave a character as, in the opinion of the District Superintendent of Police, to require his dismissal from his office, shall be liable, under the order of the District Superintendent, to a fine not exceeding one month's salary

Suits to be brought within four months of accrual of cause of action

34 Every suit brought against the Deputy Commissioner, or any of his officers, or against any person acting under his direction, for anything done or purporting to be done by them under this Act, shall be commenced within four months next after the accrual of the cause of action, and not afterwards.

Lieutenant-Governor may appoint officer to perform functions of Deputy Commissioner

35. The Lieutenant-Governor may, if he thinks fit, appoint any officer to perform the functions of a Deputy Commissioner under this Act

Service of notices

36 Every notice under this Act shall be served either personally on the person to whom the notice is directed, or by affixing a true copy thereof on some conspicuous part of his dwelling-house or principal cutcherry within the district

Saving of liability of zemindar to report crimes

37. Nothing contained in this Act shall diminish or in any way affect any liability, duty, or obligation of any zemindar or other landholder, under any law for the time being in force, to report crimes or offences occurring with his estate or tenure

Repeal of Act VIII (B C) of 1878

38 Act VIII (B. C) of 1878 (*The Hazaribagh and Lohardugga Rural Police Act*) is hereby repealed, and section 21 of Bengal Regulation XX of 1817 is hereby repealed so far as it affects any place to which this Act applies.

SCHEDULE A (*see Section* 16).

Form of Distraining Warrant.

Act

On behalf of of Whereas the several persons named in the list at foot hereof have made default in payment of the sums in the said list set opposite to their respective names, you are hereby authorised and required to levy, by distress and sale of a sufficient portion of the moveable property of the said defaulters, the said several sums set opposite to their respective names, together with additional sums by way of costs as set forth.

(Sd.)

Deputy Commissioner.

Name and description.	Amount.	When due.	Costs.	Total.

SCHEDULE B (*see Sections* 22 *and* 30).

Offences to be reported and for which village policeman or road patrol may arrest.

Murder, culpable homicide, rape, dacoity, robbery, theft, mischief by fire, house-breaking, counterfeiting coin, causing grievous hurt, riot, and all attempts and preparations to commit, and abetments of, the said offences.

SCHEDULE C (*see Section* 26).

Form of Transferring order.

District of

I Deputy Commissioner of , do by this order under my hand, made in pursuance of Act of the Lieutenant-Governor of Bengal in Council, declare that zemindar (or under-tenure-holder as the case may be) of is entitled to receive rent at the same rate as is paid for similar ryotwari land in the vicinity, for the lands specified below and lately held by in consideration of his performing the duties of a road patrol.

Specification of land.

Village

Pergunnah

Boundaries

Area

(Sd.)

Deputy Commissioner.

day of 18

Regl. No. 3557G—2,000—4-6 87.